

Remarks

In the outstanding Official Action, the Examiner:

(1) indicated that the drawings filed on 23 February 2004 are objected to because (i) the written description does not provide an adequate written description of the drawings since there are features of the invention depicted in the drawings that do not have a corresponding description within the written description, and (ii) Figs. 1-19 include the improper use of shading, and/or lines and/or characters that do not provide sufficient contrast and clarity so as to permit the clear reproduction of the drawings;

(2) objected to the drawings under 37 CFR 1.83(a) because the drawings must show every feature of the invention specified in the claims;

(3) objected to the disclosure because (i) the application data must be updated with the current status of each reference application, (ii) it does not provide an adequate written description of the drawings since there are features of the invention depicted in the drawings that do not have a corresponding description within the written description, and (iii) it lacks a brief description of the drawings and section headings for each of the relevant sections of the written description;

(4) indicated that the written description fails to comply with 37 CFR 1.75(d) (1) since the written description fails to describe the invention as specified in the claims;

(5) rejected claims 1-40 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention;

(6) rejected claims 1-22 and 40 under 35 USC 101 because the claimed invention is directed to non-statutory subject matter; and

(7) indicated that claims 1-40 are allowable over the prior art of record.

Turning first to Item 7 above, Applicant wishes to thank the Examiner for his indication that claims 1-40 are allowable over the prior art of record. Applicant has now amended the specification, claims and drawings as set forth below in order to correct the deficiencies pointed out by the Examiner.

In response to Items 1 and 2 above, Applicant is submitting herewith corrected drawing sheets in compliance with 37 CFR 1.121(d). More particularly, Applicant is submitting Figs. 1-19, each of which are labeled "Replacement Sheet", and Figs. 20-26, each of which are labeled "New Sheet". Figs. 1-19 have been amended to add reference characters to Figs. 15, 17 and 18, and to provide drawings which will permit clear reproduction. Figs. 20-26 have been added to illustrate the invention set forth in claims 1, 13, 23, 27, 29, 33 and 40, respectively. No new matter has been introduced by these amendments. Applicant believes that the corrected drawing sheets should now be acceptable to the Examiner.

In response to Items 3 through 5 above, Applicant is submitting a substitute specification in compliance with 37 CFR 1.52, 1.121(b) (3) and 1.125. The substitute specification has been amended as shown on the marked-up copy of the specification. More particularly, Applicant has now amended (i) the "Reference To Prior Pending Patent Applications" section of the specification to reflect the current status of U.S. Provisional Patent Application Serial No. 60/449,283, and (ii) the specification in order to add a

"Brief Description Of The Drawings" section and section headings for each of the relevant sections of the written description. No new matter has been introduced by these amendments. Applicant believes that there is now an adequate written description of the drawings in the disclosure.

Furthermore, in response to Items 4 and 5 above, Applicant has amended the specification in order to describe the invention as specified in the claims. No new matter has been introduced by these amendments. Applicant believes that the amended specification should now be acceptable to the Examiner and that the claimed subject matter has now been provided with the proper antecedent basis.

Also in response to Item 5 above, Applicant has amended claims 29, 30 and 40 in order to more clearly describe the function of loading "satellite imagery" or "aerial imagery". Furthermore, with regard to claims 33 and 40, Applicant notes that the step of applying a spatially-stratified sampling procedure is referred to on pages 10-14 of the specification and in Fig. 4 of the drawings. Applicant believes that this description adequately specifies the procedure so that one of ordinary skill in the art could apply it as part of the claimed invention.

In response to Item 6 above, Applicant has amended claims 1, 13 and 40 so that these claims now include the step of "displaying the assessed population to the user" (or, in the case of claim 40, "displaying the ascertained overall population to the user"). Applicant believes that claims 1, 13 and 40 are now directed to statutory subject matter.

In view of the foregoing amendments made to the specification, claims and drawings, Applicant believes that this patent application is in condition for allowance. Early and favorable reconsideration is therefore respectfully requested.

In the event that any fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,



Margaret M. Carley

Registration No. 55,625

Pandiscio & Pandiscio, P.C.

470 Totten Pond Road

Waltham, MA 02451-1914

Tel. No.: (781) 290-0060

MMS/HDM4.AMD2